IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 15344 of 2004

Between:

Thaviti Srinivas Rao, S/o. Late Gopala Rao, Hindu,
R/o. 1st lane, Nehru Nagar, Guntur, Guntur District.

..... PETITIONER

AND

1 The Superintendent of Police, Guntur, Guntur Distirct.
2 The Circle Inspector of Police, Kothapet Police Station,
Guntur, Guntur Distirct.
3 The Sub-Inspector of Police, Kothapet Police Station, Guntur, Guntur Distirct.
4 Thaviti Rama Rao, S/o. Late Gopala Rao, Hindu,
R/o. Sri Chinna Engineering Works, Gowri Shankar Road, Near Lalitha

Nursing Home, Kothapet, Guntur, Guntur Distirct.
5 Thaviti Ramesh, S/o. Rama Rao, Hindu,
R/o. Sri Chinna Engineering Works, Gowri Shankar Road, Near Lalitha

Nursing Home, Kothapet, Guntur, Guntur Distirct.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd Respondents directing the petitioner to execute and registrar the deed in respect of property situated in Dr.No. 12-2-10, Ward No. 4, Kothapet, Guntur in favour of 4th and 5th respondent as illegal, arbitrary, without jurisdiction and in violation of Art.21 of the Constitution of India and further direct the respondents 2 and 3 not to interfere in civil disputes, and not to call the petitioners to Police Station without any case or Crime and pass

Counsel for the Petitioner: MR.K.VISWANATHAM
Counsel for the Respondents No.1 to 3: GP FOR HOME

The Court at the admission stage made the following :

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ORDER:

The petitioner seeks a writ of mandamus declaring the alleged action of the respondents 2 and 3 in directing the petitioner to execute a registered deed in respect of the property situated in Door No.12-2-10, Ward No.4, Kothapet, Guntur in favour of the respondents 4 and 5, as arbitrary and illegal and for a consequential direction to the respondents 2 and 3 not to interfere in civil disputes and not to call the petitioner and his family members to the police station.

In the affidavit filed in support of the writ petition, it is stated that the father of the petitioner executed a registered Will dated 19.01.1995 in respect of the properties left by him, under which two shutters came to the share of the petitioner. It is alleged that for the last two months, the fourth respondent, who is elder brother of the petitioner has been insisting to give three feet width of space in the shutter belonging to the petitioner and since the petitioner has refused, he approached the second respondent-Circle Inspector of Police, Kothapet Police Station, Guntur. In pursuance of the directions of the second respondent, the third respondent-Sub-Inspector of Police, Kothapeta Police Station, Guntur has been harassing the petitioner and calling him, his wife and children to the Police Station and coercing them to execute a deed in favour of the fifth respondent. Hence, this writ petition.

On behalf of respondents 1 to 3, the Sub-Inspector of Police, Kothapeta P.S.

filed a counter affidavit, dated 05.08.2004 denying all the allegations made by the petitioner and stating that the mother of the petitioner gave a complaint before the third respondent on 25.08.2004 stating that the petitioner along with one Kishore Babu violated all the conditions of the compromise effected before the Lok Adalath and that they also threatened her and fourth respondent with dire consequences, abused and beat them. On the basis of the said complaint Crime No.222 of 2004 has been registered under Sections 448, 323, 509, 506 read with Section 34 of the Indian Penal Code and the same is under investigation. The other allegations made by the petitioner that the third respondent used to call him, his wife and children to the Police Station and coercing them to execute a deed in favour of the fifth respondent are all denied.

In view of what has been stated in the counter-affidavit, no adjudication deserves to be made on merits.

Accordingly, recording the statement of the respondents 1 to 3 denying the allegations of harassment, the writ petition is disposed of. It is made clear that this Court has not expressed any opinion with regard to the correctness of the allegations in the complaint on the basis of which Crime No.222 of 2004 has been registered and it is open to the respondents 1 to 3 to take further steps in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

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08-11-2004

klp

To

1 The Superintendent of Police, Guntur, Guntur Distirct.
2 The Circle Inspector of Police, Kothapet Police Station,
Guntur, Guntur Distirct.
3 The Sub-Inspector of Police, Kothapet Police Station, Guntur, Guntur Distirct.
4 2CCs to G.P. for Home, High Court buildings, Hyderabad.(OUT).

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